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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/934,896

08/22/2001

Philip C. Nestoryak

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05/05/2006

HOFFMAN WARNICK & D'ALESSANDRO, LLC  
75 STATE STREET  
14TH FL  
ALBANY, NY 12207

EXAMINER

VO, TED T

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,896

Applicant(s)

NESTORYAK, PHILIP C.

Examiner

Ted T. Vo

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in response to the amendment filed on 02/06/06.  
Claims 1-35 are pending in the application.

***Response to Amendment***

2. Applicants' amendment has been considered. Applicants' arguments to the amended claimed in the remarks has been fully considered.

Particularly, with regards to claiming,

*"providing a plurality of control files, each control file having entries of computer system identifiers pertaining to a particular software platform;*

*designating, by a user, a computer system and a software platform of a plurality of software platforms to be installed on the designated computer system using a graphical user interface; and*

*querying the control file of the particular software platform corresponding to the software platform designated by the user to identify an entry having computer system identifiers that pertain to the designated computer system",*

Applicants argued (1) Hohndel fails to provide to provide a plurality of control files, each control file having entries of computer system identifiers (Remarks: p13: lines 5-6), Applicants argued (2) Hohndel does not teach a plurality of control files (Remarks: p13: lines 9-10), Applicants argued Hohndel (3) does not teach each control has entries of computer system identifiers pertaining to a particular software platform (Remarks: p13: lines 10-11); Applicants argued (4) Hohndel fails to teach designating, by a user, a computer system and a software of plurality of software platforms to be installed in the designated computer system using a graphical user interface (Remarks: p13: lines 9-10).

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In response to the above arguments, Examiner disagrees. Applicants contend Hohndel fails to teach "plurality of control files". First of all, Applicants would be directed to MPEP 714.04. In the claim, the claimed language acts with a single control file rather than acts with all the control files. See in the claim "*each control file*", "*querying the control file*". Therefore, even claiming, "*providing a plurality of control files*", the functionality in the claim is not novel, but it acts like a single one that is old in the art. In this claimed subject matter, Hohndel does the same because it is not necessary for Hohndel to repeat "plurality" of CD disks, a "plurality" of PCs, or a plurality of systems, etc. An artisan in the art when reviewing the Hohndel, would understand that it is a customary for a reference to describe "one" for "plurality" if all are the same. In fact, Hohndel includes "a plurality of control files" and describes "one": See p. 261, first paragraph of left col., "One of the major challenges of the system administration at large sites is installation of multiple machines that is similar". It is clearly that each machine involving in installation has a control file; and it is clearly that "a plurality of control files" is included.

Applicants contend Hohndel does not teach each control has entries of computer system identifiers pertaining to a particular software platform. Examiner disagrees. It should be noted that every control file includes code or instructions, case by case, to identify the type in the computer. In this particular case, Hohndel's control file directs to a specific target computer for installing Linux software. The computer could be MAC, UNIX, or a standard PC. All the descriptions in Hohndel would require considering. For example, in p. 262, right col., "Now the control file can be added to the boot disk as /suse/setup/descry/info. This control file contains most of machine specific information ("*identifiers pertaining to a particular software platform*") that is necessary to install SuSE Linux ("*identifiers pertaining to a particular software platform*") without administrator interaction". A skill of artisan when read it would understand that Hohndel's control file does the same as claimed.

Applicants contend Hohndel fails to teach designating, by a user, a computer system and software of plurality of software platforms to be installed in the designated computer system using a graphical user interface. It should be noted that a claimed protection couldn't be infringed to common/public activities, i.e. claiming: designating, by a user, a computer system. In fact, this claimed functionality is equivalent to "administrator", "user", "a server" seen in the reference, or an act of any user who uses "YaST" appeared

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in the title of this reference. "YaST" is a Linux tool discussed in this reference (Seen in the Title, and discussed in p. 262, left col.) for guiding a user step to step through the installation ("GUI"). It should be noted that the functionality of "GUI" shown in the claims does not do anything different than the reference that allows a user to use "YaST" querying and interacting installation steps ("User interfaces") via the common windows.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hohndel et al, "Automated Installation of Linux Systems Using YAST", 1999.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Hohndel discloses,

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per Claim 1: Hohndel discloses,

*A method for loading a software platform onto a computer system (See Title), comprising the following steps.*

*providing a control file having entries of computer system identifiers system identifiers*

*designating, by a user, a computer system and a software platform to be installed on the designated computer system using an interface (See Title); and*

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*querying the control file to identify an entry having computer system identifiers that pertain to the designated computer system (See p. 262, right col., paragraph 6, "now the control file...", see 263, section IP Definition and Installation Source).*

As per Claim 2: Hohndel discloses, *The method of claim 1, further comprising the subsequent steps of: creating a boot disk; and loading the designated software platform onto the designated computer system using the boot disk (See p.262, text under "Changes To Be Done On The Boot Disk").*

As per Claim 3: Hohndel discloses, *The method of claim 1, wherein the designating step comprises the steps of: entering particular computer system identifiers into the interface; and selecting a particular software platform using the interface (See p.262, text under "Changes To Be Done On The Boot Disk": In this reference the selected software platform is "Linux").*

As per Claim 4: Hohndel discloses, *The method of claim 3, wherein the entering step comprises the steps of: entering a particular computer model identifier into the interface; and entering a particular computer submodel identifier into the interface (See whole p.263).*

As per Claim 5: Hohndel discloses, *The method of claim 1, wherein the entries in the control file further comprise support data (See whole p.263: Examiner note: limitation recites only mere data in a file).*

As per Claim 6: Hohndel discloses, *The method of claim 5, wherein the support data comprises licensing data and technical data (See whole p.263: Examiner note: limitation recites only mere data in a file).*

As per Claim 7: Hohndel discloses, *The method of claim 5, further comprising the step of displaying the support data from the identified entry (All configuration data shown in p. 262-263 present means for displaying. Furthermore see "Linux": It should be note that all Windows has means for displaying).*

As per Claim 8: Hohndel discloses, *The method of claim 7, wherein the designated software platform is installed onto the computer system based upon the support data (See whole p.263: see title).*

As per Claim 9: Hohndel discloses,

*A method for installing a software platform onto a computer system, comprising the following steps: providing a control file having entries, wherein each entry comprises computer system identifiers and support data (See 263, the control file in left col.);*  
*entering particular computer system identifiers into an interface (See 263, the settings);*

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*selecting a particular software platform using the interface (in the reference:Linux);*

*querying the control file to identify an entry having computer system identifiers that match the entered computer system identifiers (See p. 262, right col., paragraph 6; see 263, section IP Definition and Installation Source) ; and*

*installing the selected software platform onto a computer system having the entered computer system identifiers (refer the term "Installation of Linux").*

As per Claim 10: Hohndel discloses, *The method of claim 9, further comprising the step of displaying the support data corresponding to the identified entry (See p.263. the content in the control file: e.g. displaying).*

As per Claim 11: Hohndel discloses, *The method of claim 10, wherein the software platform is installed based upon the displayed support data (In this case: refer the term "Installation of Linux").*

As per Claim 12: Hohndel discloses, *The method of claim 9, wherein the support data comprises licensing data and technical data (See p.263, the content in the control file).*

As per Claim 13: Hohndel discloses, *The method of claim 9, wherein the computer system identifiers comprise a computer model identifier and a computer sub model identifier (See p.263, the content in the control file includes the settings such as AUTO\_NET, AUTO NAMESERVER, AUTO\_NAME, etc.).*

As per Claim 14: Hohndel discloses,

*A method for installing a software platform onto a computer system, comprising the following steps: entering, by a user, a particular computer model identifier and a particular computer submodel identifier into an interface (See p. 263, the control file appeared in a text file);*

*Selecting, by a user, a particular software platform using the interface (See p. 263, the control file writable/modifiable, a user can enter anything);*

*locating a control file having entries, wherein each entry comprises computer model identifiers, computer submodel identifiers, and support data (See p. 263, the control file includes settings, data, configs);*

*querying the located control file to identify an entry having a computer model identifier and a computer submodel identifier that match the entered computer model identifier and computer submodel identifier*

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(See p. 262, right col., paragraph 6, "now the control file...", see 263, section IP Definition and Installation Source);

*displaying the support data from the identified entry* (See p. 263, information in the control file appeared displayable); and

*installing the selected software platform onto a computer system having the entered identifiers based upon the displayed support data* (in this case, the installation software is Linux, and software platform is Linux system and the installation is based on the control file).

As per Claim 15: Hohndel discloses, *The method of claim 14, wherein the support data comprises licensing data and technical data* (p. 263, see the information in the control file including the settings).

As per Claim 16: Hohndel discloses,

*A system for installing a software platform onto a computer system, comprising:*

*an interface for entering computer system identifiers and for selecting a software platform* (See p.262, YaST, SuSE, guiding a user step to step through the installation);

*a query system for querying a control file to identify an entry in the control file having computer system identifiers that match the entered computer system identifiers* (See p.263, the information in the control file is identifiable and modifiable); and

*a boot system for creating a boot disk, based upon the identified entry, for the selected software platform to be installed onto a computer system having the entered computer system identifiers* (See p. 262, left col., Linux boot disk that takes the path to the control file included with installation information).

As per Claim 17: Hohndel discloses, *The system of claim 16, wherein the interface comprises: an entry system for entering computer system identifiers; and a selection system for selecting a software platform* (See p. 263, information in control file and settings).

As per Claim 18: Hohndel discloses, *The system of claim 16, wherein the computer system identifiers comprise a computer model identifier and a computer sub model identifier* (See p. 263, information in control file and settings).



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As per Claim 19: Hohndel discloses, *The system of claim 16, wherein the control file comprises entries, and wherein each entry includes computer system identifiers and support data* (See p. 263, information in control file and settings).

As per Claim 20: Hohndel discloses, *The system of claim 19, further comprising a display system for displaying the support data from the identified entry* (See p. 263, information in control file and settings are displayable).

As per Claim 21: Hohndel discloses, *The system of claim 19, wherein the selected software platform is loaded onto the computer system based upon the displayed support data* (In this case, refer to installation disclosed in the reference).

As per Claim 22: Hohndel discloses, *The system of claim 16, wherein the selected software platform is an operating system* (In this case, refer to Linux, an operating system).

As per Claim 23: Hohndel discloses Claim 23 (See Examiner's rationale addressed in Claim 16).

As per Claim 24: Hohndel discloses Claim 24, *wherein the entry system and the selection system comprise an interface* (See Examiner's rationale addressed in Claim 17).

As per Claim 25: Hohndel discloses Claim 25, *wherein the computer system identifiers comprise a computer model identifier and a computer submodel identifier* (See Examiner's rationale addressed in Claim 18).

As per Claim 26: Hohndel discloses Claim 26, *wherein the control file comprises entries, and wherein each entry includes a computer model identifier, a computer submodel identifier, and support data.* (See Examiner's rationale addressed in Claim 19).

As per Claim 27: Hohndel discloses Claim 27, *further comprising a display system for displaying the support data from the identified entry* (See Examiner's rationale addressed in Claim 20).

As per Claim 28: Hohndel discloses Claim 28, *wherein the selected software platform is installed onto the computer system based upon the displayed support data* (See Examiner's rationale addressed in Claim 8).

As per Claim 29: Hohndel discloses Claim 29 (See Examiner's rationale addressed in Claims 16, 20).

As per Claim 30: Hohndel discloses Claim 30 (See Examiner's rationale addressed in Claim 16).

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As per Claim 31: Hohndel discloses Claim 31 (See Examiner's rationale addressed in Claim 17).

As per Claim 32: Hohndel discloses Claim 32 (See Examiner's rationale addressed in Claim 18).

As per Claim 33: Hohndel discloses Claim 33 (See Examiner's rationale addressed in Claim 19).

As per Claim 34: Hohndel discloses Claim 34 (See Examiner's rationale addressed in Claim 20).

As per Claim 35: Hohndel discloses Claim 35 (See Examiner's rationale addressed in Claim 16).

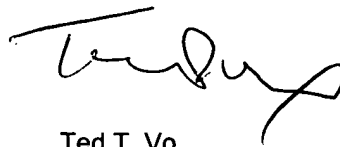
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo  
Primary Examiner  
Art Unit 2191  
April 28, 2006